



OSMM&N File No. 202462US2

Dept.: E/M

By: GJM/RFC/jmp

Serial No. 09/769,510

In the matter of the Application of: Tomohiro NAKAJIMA, et al.

For: OPTICAL SCAN MODULE, OPTICAL SCANNER, OPTICAL SCAN
METHOD, IMAGE GENERATOR AND IMAGE READER

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☒ Dep. Acct. Order Form
- ☒ Cover Letter
- ☒ Comments on Statement of Reasons for Allowance

BEST AVAILABLE COPY

COPY



34



Docket No.: 202462US-2
Allowed Date: 09/24/04



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 09/769,510
Applicants: Tomohiro NAKAJIMA, et al.
Filing Date: January 26, 2001
For: OPTICAL SCAN MODULE, OPTICAL SCANNER,
OPTICAL SCAN METHOD, IMAGE GENERATOR
AND IMAGE READER
Group Art Unit: 2876
Examiner: Paik, S.S.

GREGORY J. MAIER
(703) 413-3000
GMAIER@OBLON.COM

RAYMOND F. CARDILLO, JR.
(703) 413-3000
RCARDILLO@OBLON.COM

SIR:

Attached hereto for filing are the following papers:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Our check in the amount of -0 - is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Registration No. 25,599
Attorney of Record

Raymond F. Cardillo, Jr.
Registration No. 40,440

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)



DOCKET NO: 202462US-2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TOMOHIRO NAKAJIMA ET AL. : EXAMINER: PAIK, S. S.
SERIAL NO: 09/769,510 :
FILED: JANUARY 26, 2001 : GROUP ART UNIT: 2876
FOR: OPTICAL SCAN MODULE, :
OPTICAL SCANNER, OPTICAL SCAN
METHOD, IMAGE GENERATOR AND
IMAGE READER

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

COPY

The "examiner's statement of reasons for allowance," included under the heading "Allowable Subject Matter," on page 2 attached to the "Notice of Allowability" (PTOL-37) that is in turn attached to the "Notice of Allowance and Fee(s) Due" mailed September 24, 2004, is mistaken as to the subject matter of all the allowed claims.

In this regard, the statement asserts that the claims are all being interpreted to recite "a holder provided with electrodes for electrical wiring to a light emission source and a deflection unit and configured for holding a moveable portion of the deflection unit, and a sealing substrate provided together with the holder in a piled relationship, and the light emission source and the movable portion of the deflection unit are enveloped to be tight-closed between the holder and the sealing structure."

Applicants note that while the subject matter recited by independent Claims 5, 39, 73 and 76 is at least similar to that noted in the above quoted examiner's statement, this subject matter is still different. Note, for example, that Claim 5 recites a "stacked relationship," not

the noted "piled relationship" of the statement and it further recites that this "stacked relationship" is "configured to envelop and seal the light emission source and the movable portion of the deflection unit therebetween," with no mention of anything being "tight-closed between the holder and the sealing structure." Also note, for example, that Claims 39, 73, and 76 all recite "the holder and the sealing substrate together being configured to envelop and seal the light emission source and the movable portion of the deflection unit," with no mention of anything being "tight-closed between the holder and the sealing structure" as in the statement.

Independent Claims 1, 16, 26, 52, 65, 67, 69, 71, 72, 74, 75, and 77 all include recitations of subject matter with far greater differences from the above noted subject matter of the above-noted quoted examiner's statement. Note, for example, the "exterior facing abutment portion configured to be brought into abutment with an exterior mounting member outside of the optical scan module" language of independent Claims 1, 26, 72, and 75 and the lack of any "holder" being recited by Claims 16, 52, 65, 67, 69, 71, 74, and 77.

Accordingly, the "examiner's statement of reasons for allowance," included under the heading "Allowable Subject Matter," on page 2 attached to the "Notice of Allowability" (PTOL-37) that is in turn attached to the "Notice of Allowance and Fee(s) Due" mailed September 24, 2004, is clearly in error and should be withdrawn.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/03)

Gregory J. Maier
Registration No. 25,599
Attorney of Record
Raymond F. Cardillo, Jr.
Registration No. 40,440